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ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA
Crl. Misc. Application No. S- 72 of 2015

DATE	ORDER WITH SIGNATURE OF JUDGE
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For Katcha Peshi

08.9.2015

Mr. Nisar Ahmed G. Abro, advocate for the applicant.
Mr. Shahzado Saleem, APG.
Mr. Ali Nawaz Ghanghro holding brief on behalf of Mr. Abdul Wahab Bhutto,
advocate for Respondents No.3 and 4.

Applicant (father) has filed this Misc. Application against Mst. Reema (mother) regarding recovery of detainee Faisal (aged about 02 years). Learned counsel has failed to place any precedent that father on the plea of improper custody can file application under section 491 of Cr.P.C by invoking writ of habeas corpus. Admittedly, minor is suckling baby and residing with mother. Guardianship Application No.08/2014 is pending before the 1st Senior Civil Judge, Larkana. That court is competent to decide the fate of case within the prescribed limits as provided under the law.

Accordingly, instant Misc. Application is not maintainable in view of case of Mst. Nadia Perveen v. Mst. Almas Noreen and others PLD 2012 SC 758. Dismissed. Resultantly, interim order already passed by this Court is hereby recalled.


Judge

Abid H. Qazi/**